19 52.

File No. O. Gas Supply

Legal Deptt. 52

K.

A BRANCH P 3(E)

Subject:— Opinions under the Bombay Gas Supply Act 1939

O. Gas Supply/52

File No.

Gen. 194 e.

483-17

K

CONTENTS.

Legal Department File No. O. Gas Supply/52.

Sr. No.	R.I./O.No.	Subject.	Pages.
	O.Gas Supply 1952.	Opinions under the Bombay Bombay Gas Supply Act, 1939.	
1.	O.No.6246. 24.4.52.	Section 6 Govt. with recommendations of the Advisory Committee, make rules prescribing the limits of prices which the Company may charge for the supply of gas	1-
2.	O.No.15347/A 18.9.52.	Section 70 The Company shall not grant new connection to any person for the supply of gas except in accordance with the rules made by the State Government	3-

V.M.D./14-6
5e.

17/6/1916 / 19.6

Office of the R.L.A.

Section 6 of the Bombay Gas Supply Act, 1939, provides that the State Government may, from time to time in accordance with the recommendations of the Advisory Committee, make rules prescribing the limits of prices which the Company may charge for the supply of gas to any consumer or class of consumers in the whole of the State or in any specified area. The rules, therefore, can be made only in accordance with the recommendations of the Advisory Committee. In this particular instance an Advisory Committee was appointed. It appears that its tenure under clause (ii) of sub-section (3) of section 5 has expired, and there is now no Advisory Committee in session. The question for consideration is whether the recommendations made by the Advisory Committee in the year 1948-1949 should be implemented at this distance of time. That is a question of policy depending upon whether those recommendations, which must have apparently been made on the conditions of prices, expenses etc. then prevailent, would be useful in the conditions of today. If on the other hand Government feel that the recommendati are out of date in the light of present circumstances, th proper ocurse would be to appoint a new Advisory Committee for this purpose and refer the question to them.

Sd/- P.M.Lad
28.4
Remembrancer of Legal Affairs.

U.R. to D.D. No. 6246, dated the 24th April 1952.

V.M.D./13-6
4c.

Office of the R.L.A.

The Bombay Gas Supply Act, 1939, has been amended by Bombay Act XIII of 1950, whereunder, among other provisions, section 7 G and section 11(2) (s) have been inserted. Section 7G provides that the Company shall not grant new connection to any person for the supply of gas except in accordance with the rules made by the State Government in this behalf. Section 11(2)(s) provides for making rules prescribing the manner of granting new connections under section 7G. Among the ules framed under section 11 under the Development Department Notification No. GAS. 1452-I, dated the 8th May 1952, rule 7 is relevant. Sub-rule(1) of rule 7 provides:

> " On receipt of an application for new connection, the Company shall forward it together with its remarks, if any, to the Secretary to the Government of Bombay in the Development Department and shall not grant any new connection applied for unless it is sanctioned by the State Government."

Sub-rule (2) provides -

> "The Company shall maintain a register in which it shall record therreceipts of all applications for new connections in the order in which they are received. The Company shall also maintain a register showing the manner of disposal of such application."

Sub-rule (3) Provides :-

> " The register maintained under sub-rule(2) shall be kept open for inspection by the Inspector or any other officer appointed by the State Government in this behalf."

Rule 7 being prospective only, applications received for new connections before 8th May 1952, on which date the new rules came into force, would not strictly speaking be governed by rule 7. However, the object of section 7G and rule 7 is to stop preferential treatment in the matter of giving supply of gas to the applicants The applications already pending on the 8th May 1952, should, to advance the aforesaid object of the provisions, be entered in the register prepared under rule 7(3) and be treated as applications for new connections under rule 7(1). The view taken by the Development Department is correct.

Sd/- P.V.Lad.
17.9
Remembrancer of Legal Affairs.

U.R. to R.D. No.15347/A dated, 18th September 1952.

V.M.D./13-6